

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

KEVIN RUSSELL

PLAINTIFF

v.

No. 4:08CV133-P-A

GLORIA PERRY, ET AL.,

DEFENDANTS

ORDER

This matter is before the court, *sua sponte*, for consideration of dismissal. The pro se prisoner plaintiff, an inmate at the Mississippi State Penitentiary, has submitted a complaint he wishes to file under 42 U.S.C. § 1983. The complaint alleges that the plaintiff is receiving inadequate medical treatment for his injured left arm.

The Prison Litigation Reform Act was enacted in April 1996. This Act provides, inter alia, at 28 U.S.C. § 1915(g)

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

On September 11, 2002, this court dismissed *Russell v. Sparkman*, 4:02CV185-P-A for failure to state a claim upon which relief could be granted. On March 7, 2007, the court dismissed *Russell v. Bearry*, 4:04CV144-P-A for failure to state a claim. Finally, the court dismissed *Russell v. Liddell*, 4:07CV145-P-A, also for failure to state a claim. Therefore, the plaintiff has accumulated three “strikes” and has been an abuser of his *in forma pauperis* privileges. Consequently, it is **ORDERED**:

- 1) that this case is **DISMISSED**;
- 2) that under 28 U.S.C. § 1915(g), the plaintiff is **BARRED** from filing any future *pro se in forma pauperis* complaints without permission of one of the judges of the court.
- 3) that this case is **CLOSED**.

This, the 11th day of February, 2009.

/s/ W. Allen Pepper, Jr._____

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE